

Verdict of Second Degree Murder Prescribes Penalty.

BOTH FREE ON \$50,000 BAIL

Motion to Declare Case a Mistrial Made by Defense.

ARGUMENT WITHIN ONE WEEK

Only One Juror Voted to Acquit Accused—Six for First Degree—Bond Raised Quickly.

NASHVILLE, Tenn., March 20.—Col. Duncan B. Cooper and his son, Robin J. Cooper, indicted for the shooting of former Senator Edward W. Carmack November 9 last year, this morning were found guilty of murder in the second degree and sentenced to terms of twenty years each.

The jurors entered the courtroom at 9:23 o'clock, just seventy hours from the time the case was put into their hands Wednesday morning, and reported their finding.

The jury yesterday acquitted John D. Sharp, a co-defendant.

Immediately the defense moved to set aside the verdict because of the verdict of disagreement of yesterday, and asked the court to declare it a mistrial.

Judge Hart said he would listen to arguments on this motion later. He then fixed the defendants' bond at \$25,000 each, which amount was accepted by both sides.

The verdict, coming as it did upon the heels of Foreman Burke's declaration yesterday that "we are hopelessly tied up as to the Coopers," was a decided surprise.

The defendants took it coolly, almost without emotion. Mrs. Burch and Mrs. Wilson, the young daughters of Col. Cooper, were weeping.

After the verdict, the jury was taken to the courtroom by a motorcade. Mrs. Burch sat with her arm around her brother Robin's shoulder. Mrs. Wilson was at her father's right.

The suspense for the two young women had been heartrending. Any verdict, however unfavorable, was a relief.

**Jury Dismissed With Thanks.**  
The jurors looked worn out. The court remarked:

"Thank you, gentlemen, for your patience and devotion to the state, and disburse you to your homes and your personal vocations."

The entire twelve men sprang from their seats as one man and hurriedly left the courtroom. The defendants and their counsel remained to complete the bond preliminaries and the motion for a new trial.

Barriers that the jury had agreed brought a crowd to the courtroom this morning and caused the presence of the attorneys on both sides long before the usual hour for opening.

As soon as Judge Hart entered court, and even before he removed his coat, he ordered the jury and the defendants brought into court.

"I understand they have agreed," he remarked to the press table, "and am anxious to see them."

Exactly at 9:25 o'clock the twelve men entered the room and took the same seats they had occupied for nearly nine weeks.

"Have you agreed upon a verdict, gentlemen?" said Judge Hart.

"We have," replied Foreman E. M. Burke.

"Advance, Mr. Foreman, and read the verdict."

"The jury find the defendants, Duncan B. Cooper and Robin J. Cooper, guilty of murder in the second degree, and assess their punishment at confinement in the State Penitentiary for a period of twenty years."

"So say you all, gentlemen?"

"So say we all," replied the jurors in chorus.

The court then thanked the jurors and dismissed them.

**Motion to Set Aside Verdict.**  
Judge Anderson of the defense arose at once, exclaiming:

"Your honor, we move the case be declared a mistrial because of the verdict of yesterday. We contend that yesterday's verdict was the only one and that it acquitted John Sharp, but declared a disagreement in the other defendants."

"We also ask that the defendants be admitted to bail on the sum of \$50,000 each, unless there be some objection. In that event I will hear arguments."

"It is satisfactory to us," said Attorney General McCracken.

KIDNAPER CLUES FAIL

Police Search for Whittia Boy Without Result.

NO WORD FROM ABDUCTORS

Fail to Answer Father's Offer to Pay Ransom.

ONLY WANTS HIS CHILD BACK

Distracted Parents Willing to Pay Any Amount for Recovery—Second Sharon Kidnaping Case.

SHARON, Pa., March 20.—Sobbing and crying, James P. Whittia, the father of the kidnapped boy, broke down at noon today when no word had been received from the abductors, and in a statement to the press said he wanted to impress on every person interested in the recovery of the boy that all he wanted was to see his child safe back home.

He said he was ready to pay the \$10,000 ransom at any time and had authorized agents ready to pay over the money.

The clue from Cleveland for a time buoyed Mr. Whittia and his wife up, but when that was dissipated their hopes were crushed.

Later word was received from Mr. Buhl at Cleveland to the effect he would remain in that city today for the purpose of being ready to open negotiations with the kidnapers for the payment of the \$10,000 and the return of the boy. Detective G. S. Ward of Philadelphia arrived here today.

**No Word From Kidnapers.**  
Mr. Whittia denied today that he has received a second letter or that he has already paid the money demanded as ransom. He says he is very anxious, however, to get into communication with the kidnapers and that they can have the money.

Although every clue is being run down nothing has developed to give the searchers the slightest ray of hope, and those working on the case are no further advanced than when they first began.

The lad's father is of the opinion the abductors are now safely ensconced in some retreat and that he will soon receive word from them.

The fact that a small army of police have failed to locate any tangible trace of the kidnapers after nearly nine weeks of searching has caused Mr. Whittia to have a depressive effect upon the hopes of Mr. and Mrs. Whittia, and their only desire now is to open negotiations with the kidnapers.

Neither Mr. and Mrs. Whittia, or William H. Little, father of the boy, have slept very much since the kidnaping occurred at 9:30 a.m. Thursday morning from the public school in this city. They are apparently resigned to the fact that the kidnapers have the upper hand in the affair and anxiously wait some intelligence from them.

Every clue, no matter how slight, is being run down by the boy's uncle, Frank F. Burch, and other relatives of the family. Their efforts have been unsuccessful, however, and they are now waiting for a lead.

Ashtabula Clue Run Down.  
A report that the boy was in Ashtabula, Ohio, has been investigated without result. The authorities at Youngstown, Ohio, are watching several persons, it is reported, who might be connected with the kidnaping.

Many officers are concentrating their efforts in the vicinity of this city. According to a great number of persons, it will be satisfied to let the boy go for a number of days before making any effort to communicate with Mr. Whittia concerning the payment of the ransom.

An opinion is held by those in charge of the search that the kidnapers are men of considerable intelligence, who will eventually get the ransom of \$10,000 and return the boy.

**Recalls Similar Case.**  
The abduction of the Whittia boy has served to recall an almost similar kidnaping at Sharon in 1899, ten years ago, when the son of a wealthy resident, A. Levine, was the victim. At the time it was kidnaped the child was eight months old and was in a baby carriage in charge of a nurse.

The nurse had wheeled the carriage along one of the avenues of the city, and on reaching a drug store left the baby and carriage on the outside while she entered to make a purchase. During her absence, unseen by any one, the baby was stolen from its carriage.

Several hours later, as in the Whittia case, the parents of the child received a letter informing them that the child was all right and that it would be restored to them on the payment of the sum of \$5,000 and no publicity. The parents notified the police and it was decided to pay the ransom demanded.

The town was designated and two detectives were detailed to watch the place and make an arrest, after the money had been taken to the designated place.

**Abductors Kept Posted.**  
The kidnapers, however, seemed to know every movement of the police and the parents, and an hour before the time agreed upon for the placing of the money a letter was received by the parents. It read:

"You have the police watching us to arrest us. We do not want your money now, but we have got your baby. You will never see him again."

The kidnapers kept their word, but the father, who was also a friend of J. P. Whittia, spent nearly every cent he had in trying to get a trace of his child. It was not until over a year later that a peddler discovered the kidnaped child in a home at Punxsutawney, Pa., where it had been left eleven months previously by a man and a woman, who were supposed to have been implicated in its kidnaping.

The state flag was adopted by the legislature in 1897.

**Modjeska Passes Comfortable Day.**  
LOS ANGELES, March 20.—Mme. Helena Modjeska, who lies critically ill at her Bay Island home, near Newport, passed a comfortable day yesterday, and although she shows no improvement she held her own. No hopes are entertained, however, for her recovery.

**CLEVELAND CLUE FAILS.**  
CLEVELAND, Ohio, March 20.—After a night of extraordinary effort to find a definite basis for reports that his nephew, Willie Whittia, kidnaped from Sharon, Pa. Thursday, had been located, the search failed.

**Man Arrested as Suspected Kidnaping Released.**  
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THE NEW MEMBER'S FIRST BILL.

MURDERER ENDS HIS LIFE

WHEATLEY HANGS HIMSELF IN HIS CELL AT CULPEPER.

Belief Expressed That He Had Mental Trouble—Lunacy Commission Called In.

CULPEPER, Va., March 20.—Henry C. Wheatley of Culpeper, who brutally murdered his wife with an ax Thursday, afterward setting fire to a neighbor's barn, hanged himself early this morning in his cell.

Wheatley was the first occupant of the jail, which has just been completed, and took advantage of the fact that no electric lights had been placed in his cell. He stood on a chair, pulled down the two wires from the ceiling, knotted two towels about his neck, tied them fast to the wire and then jumped.

Town Serg. B. F. Hall discovered the man's body at 7 o'clock this morning, and it is probable that the suicide took place not over half an hour prior to that time, as the body was still warm. The feet of the man almost touched the floor; one leg was doubled and the other dangled at the side.

Hall immediately called the sheriff, and together they went to the body. It was afterward sent to Wheatley's home.

There is an opinion in Culpeper that Wheatley's crime was the result of mental trouble. A lunacy commission had been called to meet at 10 o'clock this morning to examine Wheatley and to hear the testimony of persons in Culpeper who had talked with him in the last few days. It is said that he had been acting queerly.

Wheatley killed his wife with an ax and then severed her head from her body. He left a note of confession, and then made an effort to disappear. He burned down the barn of a neighbor, Cunningham, afterward saying that he did so for revenge. When he was found he was in the bottom of a well, apparently lifeless. After his arrest he made a full confession to the sheriff, saying that he had quarreled with his wife over some property.

**MR. SHERMAN FEELING FINE.**  
Vice President Says So Himself Over the Phone at Utica.

Special Dispatch to The Star.  
UTICA, N. Y., March 20.—Vice President Sherman showed some irritation today when informed that rumors to the effect that he had died of apoplexy were doing this morning in New York.

"Not even slightly indisposed," said the Vice President over the telephone, "I have never felt better in my life and desire to deny the allegation. Take it from me, there's nothing in it."

Harry E. Devendorf, secretary to Vice President Sherman, received a message shortly after 11 o'clock this morning asking about official stationery matters and making no mention of any indisposition. Word had been received at the Vice President's office of widespread rumors that Mr. Sherman had met with an accident and this message was taken as an indication that the report was unfounded.

The message was from Mr. Sherman and was received with considerable relief in the Vice President's office as the result of the reports which were generally circulated in Washington, New York and other cities.

**OHIO HAS A STATE FLAG.**  
Mr. Taft Saw It for First Time March 4.

Special Dispatch to The Star.  
COLUMBUS, Ohio, March 20.—The Ohio flag that was loaned by Gov. Harmon to the Yale class of 1878 for use at the dinner given at Washington March 4 was returned yesterday with a letter from Thane Charlton, the secretary of the class. Secretary Charlton in his letter relates the amusing fact that President Taft, who was present at the dinner for a short time, did not recognize the flag and did not even know that Ohio had a state flag, but was much interested when it was explained to him.

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SOUTH ON TARIFF BILL

Plots for Protection for Many Industries.

LUMBER MEN ANXIOUS

Barytes Petition Signed by Democratic Representatives.

SENATOR ELKINS TROUBLED

West Virginia Hard Hit by Proposed Scheme of Revision—Phillips Pine Worries Louisiana.

How's this? Do our eyes deceive us? Let's put on our glasses and look closer. Yes! Here it is! A petition from eighty-six lumber firms in Alabama and Florida protesting against reducing the duty on lumber! Sure! Alabama and Florida! With the names of the towns and the companies all set out!

Strangely similar to the list of arguments presented therein against reduction. There is talk of the competing lumber of Mexico, cut by peon labor, and Canadian lumber, cut by oriental labor, all from stumpage, varying from one-quarter to one-half less in price than American timber and subject to less taxation. It is claimed that labor enters into the production of lumber to the extent of 70 per cent.

One paragraph in the petition there is that sounds odd from southern sources. The recent election has emphatically demonstrated that an overwhelming majority of the people are in favor of the protection of American industries. Continued in the light of the electoral vote of Florida and Alabama, some statesmen say they detect a yellow-pine streak in this statement.

**Petition in Circulation.**  
The petition urges the senators and representatives from Alabama and Florida to vote against any reduction on lumber and its products. It claims that any harm wrought the lumber industry would also affect transportation, banking and general industrial conditions of the south.

Another interesting phase of the clash of conflicting interests over the new tariff bill is revealed in the efforts to increase the duty on barytes, largely produced in Tennessee, and on the duty on sulfur, produced in Louisiana.

The significant feature of this effort is the fact that he is getting democratic signatures. Coal is a staple of republicans, as advocates of the increase.

**May Go Out of Business.**  
Some southern democrats were much interested today in the announcement that the Tennessee Coal and Iron Company may shut down its plants, throwing 10,000 men out of work.

This is the corporation gobbled by the United States Steel Corporation, with the sanction of President Roosevelt, and is one of the bulwarks of the tariff.

Senator Elkins is uttering loud cries of rage and indignation in his denunciation of the tariff reduction.

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Weather.

Rain late tonight and Sunday, with brisk northeasterly winds.

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